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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/650,154

08/28/2003

Nick Horgan

2875.1070001

7047

26111

7590

09/24/2007

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

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EXAMINER

WINDER, PATRICE L

ART UNIT

PAPER NUMBER

2145

MAIL DATE

DELIVERY MODE

09/24/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Office Action Summary**

Application No.

10/650,154

Applicant(s)

HORGAN, NICK

Examiner

Patrice Winder

Art Unit

2145

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 27 June 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 16-36 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 21-36 is/are allowed.
- 6) ☒ Claim(s) 16-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 16-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Cox et al., US 2003/0123452 A1 (hereafter referred to as Cox).

3. Regarding claim 16, Cox taught a system for packet classification (abstract), comprising:

a pre-processor to receive a packet header of an incoming packet, the packet header including a field, and to assign an associated identifier to the field (classification destination identifier, DID, paragraph 26);

a first memory device, the first memory device including a first set of binary patterns (pattern tree data structure 28, paragraph 29);

a second memory device, the second memory device including a second set of binary patterns (virtual tree data structure 30, paragraph 29);

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third memory device, the third memory device including instructions for applying one of the first and second sets of binary patterns to the associated identifier assigned to the field of the incoming packet (rules, paragraph 29); and

a processor to apply the instructions to the field to match the field to one of the patterns in the first set of binary patterns or second set of binary patterns (routing/switching processor 14, paragraph 26).

4. Regarding dependent claim 17, Cox taught the field is a network address (paragraph 27).

5. Regarding dependent claim 18, Cox taught further comprising: a fourth memory device, the fourth memory device including a result corresponding to a matched pattern received from the processor (matched destination values, paragraph 34).

6. Regarding dependent claim 19, Cox taught further comprising: means for determining priority among one or more matched patterns (prioritized rules, paragraph 28).

7. The language of claim 20 is substantially the same as previously rejected claim 16. Therefore, claim 20 is rejected on the same rationale as previously rejected claim 16, above.

***Allowable Subject Matter***

8. Claims 21-36 are allowed.

9. The following is an examiner's statement of reasons for allowance: the prior art fails to teach or suggestion an instruction decoder that suspends operations for one set

of processing elements and restarts operations for that set of processing elements as argued by Applicant in the reply filed on January 11, 2007.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Response to Arguments***

10. Applicant's arguments filed June 25, 2007 have been fully considered but they are not persuasive.

11. Applicant argues – "Thus, contrary to claim 16 that recites 'applying one of the first and second sets of binary patterns,' Cox applies both the pattern tree data structure and the ordered virtual tree data structure." "According, Cox does not teach or suggest 'a third memory device, the third memory device including instructions for applying one of the first and second sets of binary patterns to the associated identifier assigned to the field of the incoming packet,' as recited by claim 16."

a. The specific claim limitation is for "instructions for applying one of". The step process includes "instructions" for applying pattern tree data structure and then "instructions" for the virtual tree data structure. The claim as written does not prohibit the application of both sets of binary patterns.

***Conclusion***

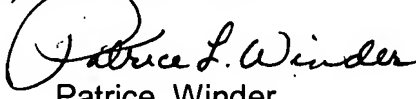
12. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Patrice Winder whose telephone number is 571-272-3935. The examiner can normally be reached on Monday-Friday, 10:30 am-7:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason Cardone can be reached on 571-272-3933. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
Patrice Winder  
Primary Examiner  
Art Unit 2145

September 17, 2007